

COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION

WORKFORCE INVESTMENT ACT

FIELD GUIDANCE MEMORANDUM #01-02

TO: LOCAL WORKFORCE INVESTMENT BOARDS

FROM: WIA UNIT

SUBJECT: EMPLOYED ADULT SERVICE PROVISIONS

DATE: JUNE 22, 2001

The Workforce Investment Act (WIA) Unit has received several requests for clarification regarding what services an incumbent worker may receive from the local one stop-workforce development and training system. As defined by 20 CFR §665.220, incumbent workers are employed adults, still-employed dislocated workers and employed older youth (age 18 and older), which are served as adults. Although the definition seems synonymous, the regulations make one major distinction between incumbent workers and employed adults. Services to incumbent workers may only be offered at the state level with the use of state funding. Funding for activities for ‘employed adults’ comes from the “formula” funds provided to the LWIA.

An employed adult has access to the universal “core” services offered to the general public, including information, self-services, and other services, not requiring WIA-funded, staff assistance. Access to staff-assisted, WIA-funded core services require establishing WIA eligibility, registration and appropriate qualifications.

An employed adult who expresses interest in “intensive” services must meet eligibility as an adult and must have received at least one core service. In addition, a One-Stop operator must determine that the customer is in need of intensive services to obtain or retain employment that leads to *self-sufficiency*. Per 20 CFR §663.230, the LWIBs may set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must reflect the following:

- Self-sufficiency is defined as employment that pays at least the lower living standard income level. Special needs of individuals with disabilities or other employment barriers should be taken into account when setting criteria to determine self-sufficiency.
- WIA §101(24) defines ‘lower living standard income level’ as an income level (adjusted for regional, metropolitan, urban and rural differences, family size and special needs) determined annually by the Secretary based on the most recent lower living family budget issued by the Secretary.

Per 20 CFR §663.310, an employed adult who expresses interest in WIA-funded “training” services must meet eligibility as an adult, have received at least one intensive service and have been determined to be unable to obtain or retain employment through intensive services. Also, employed adults must have the skills to successfully complete the selected training program, select a program of training services directly linked to employment opportunities, be unable to obtain grant assistance from other sources to pay the cost of the training and be eligible based on the local priority of services system (i.e. local “funds” have been determined by the LWIB not to be limited in the area). The LWIB’s declaration on “limited funds” must accurately reflect local fund conditions, but must be documented locally and forwarded to the state for inclusion with the local plan.

Furthermore, 20 CFR §663.720 permits employed adults to receive WIA-funded, customized training if he/she is not earning a self-sufficient wage and the training is designed to meet the special requirements of an employer. Additionally, if the training is designed with an employer’s commitment to employ (and continue to employ) the individual upon successful completion of the training and the employer pays for at least 50% of training costs, the employed adult may receive customized training.

The employed adult can participate in WIA-funded activities once all of these qualifications are met. In achieving a truly universal workforce system, local areas are encouraged to seek other funding that could support a wider customer base than does WIA.